



## **REMARKS/ARGUMENTS**

### **1. Summary of the Office Action**

Claim 5 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1, 2, 5, 6, 7, 8, 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,415,232 (hereinafter McCanne) in view of U.S. Patent No. 6,314,088 (hereinafter Yamano).

### **2. Response to 35 U.S.C. § 112 Rejections**

In response to the Office Action, the Applicant has amended Claim 5 and respectfully request reconsideration thereof.

### **3. Response to 35 U.S.C. § 103 Rejections**

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on the applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Red. Cir. 1991).

In the present case, there is a lack of suggestion or motivation, in McCanne and Yamano or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Accordingly, the present claims should be deemed patentable over the combination of these references.

Turning first to Yamano, Yamano describes a node configuration setup system with servers hunting through connection-oriented network for client's data. The redirection scheme operates as follows (Yamano, Col.4, lines 4-29):

First, a client node (12) provides an inquiry message to a first configuration server node (11) or a default server. If the first configuration server node (11) holds the client's configuration data, it returns a ready-to-accept message urging the client node (12) to send a data request message. In response, the first server (11) sends out the client's configuration data to the node requesting it.

However, if the first server node (11) has no client data, it obtains the ATM address of a second server as a possible candidate from the ATM name system server (18) and returns a change-server message to urge the client (12) to establish a virtual connection and send an inquiry message to a second server (15).

If the second server (15) holds the client's configuration data, it returns a ready-to-accept message urging the client node (12) to send a data request message to download the configuration data from the second server (15). However, if the client data is not located in the second server (15), the latter obtains the ATM address of a third configuration server from the ATM name system server (18) and informs the requesting client of this ATM address. The process is repeated for the third configuration server.

Yamano discusses a redirection scheme in deciding where to redirect the request after cache misses. However, it will be noted that Yamano uses ATM address resolution to select the next available server. In particular, "the ATM address of a default configuration server is determined by performing an ATM address resolution by transmitting an "anycast" address to the network" (Yamano, Col.4, lines 31-34). Stated

differently, Yamano uses only “anycast” addressing and not “unicast” addressing to identify the next available server.

Turning now to McCanne, a very different sort of redirection scheme from that found in Yamano is discussed. In McCanne, client initiates a control connection to an anycast address to request a service, and a redirector (Anycast Referral Node) directs the client to a fixed service-node location (Service Node) which is a standard, non-anycast IP address (McCanne, Col.11, lines 58-65).

It is questionable whether a mechanism such as that described by McCanne would ever have been considered for use in combination with the system taught by Yamano. In particular, as established above, the redirection scheme of Yamano uses only anycast addressing while McCanne uses the method of resolving an anycast address to a unicast address.

Because there appears to be little or no motivation for making the combination relied upon by the examiner, the rejection of the claims in light of this combination is flawed.

Moreover, each of the references themselves provides what appears to be a complete solution. Neither of the references suggests that additional processing steps are needed to improve the techniques disclosed therein. For example, McCanne provides a comprehensive redirection system for content distribution in a virtual overlay broadcast network (OBN) that is similar to the underlying Internet architecture, e.g., it exploits scalable addressing, adaptive routing, hierarchical naming and decentralized administration (McCanne, Col.4, line 37-39). For his part, Yamona provides a node configuration setup system that provides flexibility to the design and and configuration of connection-oriented network (Yamona, Col.1, lines 42-44). Nothing in these disclosures would suggest that any combination of these processes is desirable, consequently, there exists no motivation for the recited combination.

3. **Conclusion**

Having tendered the above remarks and amended the claims as indicated herein, the Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

Respectfully Submitted,

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